

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS LADORE, individually and on  
behalf of all others similarly situated,

No. C-14-3530 EMC

Plaintiff,

**ORDER REGARDING STIPULATION  
FOR VOLUNTARY DISMISSAL**

v.

**(Docket No. 58)**

SONY COMPUTER ENTERTAINMENT  
AMERICA, LLC,

Defendant.

On April 22, 2015, Plaintiff Douglas Ladore and Defendant Sony Computer Entertainment America, LLC, filed a joint stipulation to dismiss Ladore's individual claims with prejudice. Docket No. 58. The complaint in this action was brought by Mr. Ladore on behalf of himself and a putative class of aggrieved consumers. Docket No. 1. If granted, the joint stipulation would completely resolve this action.


While courts routinely approve the pre-certification compromise of individual claims where doing so will result in the dismissal of the entire action (including any putative class claims), the court must be assured that the class action procedure has not been abused and that proposed class members will not be prejudiced by such a dismissal. *See* Manual for Complex Litigation, Fourth § 21.312 (Federal Judicial Center, 2004). Thus, the Court should review a proposed settlement to ensure that "the filing and voluntary dismissal of class allegations . . . [was not done for] strategic purposes." *Id.*; *see also Diaz v. Trust Territory of Pac. Islands*, 876 F.2d 1401, 1409 (9th Cir. 1989)

1 (explaining that notice of precertification voluntary dismissal may be necessary in rare  
2 circumstances to protect members of the proposed class from prejudice).

3 In order to determine whether any such notice is necessary in this case, the Court hereby  
4 **ORDERS** the parties to file a final copy of the settlement terms reached in this case. The parties  
5 may file the settlement agreement under seal. The parties may also file a joint statement, not to  
6 exceed three (3) pages in length, explaining why no notice to proposed class members should be  
7 required here. The settlement agreement and any joint statement shall be filed no later than  
8 Thursday, April 30, 2015.

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10 IT IS SO ORDERED.

11 Dated: April 23, 2015

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EDWARD M. CHEN  
United States District Judge